

### **AMENDMENTS TO THE CLAIMS**

This listing of claims will replace all prior versions and listings of claims in the application:

1. (Currently amended) A moving picture encoding apparatus comprising:
  - a skip number control section which controls a skip number between frames to be encoded;
  - a quantization scale control section which controls a quantization scale indicative of a degree of quantization;
  - an encoding section which encodes a moving picture<sub>1</sub> by selectively using one of an inter-coding and an intra-coding<sub>1</sub> on the basis of the quantization scale determined by the quantization scale control section and the skip number determined by the skip number control section;
  - a code amount detection section which calculates a code amount of a frame encoded by the encoding section;
  - a storage section which stores the quantization scale with which the encoding section encodes by the inter-coding, the code amount **of the inter-coding** calculated by the code amount detection section, the quantization scale with which the encoding section encodes by the intra-coding, and the code amount **of the intra-coding** calculated by the code amount detection section; and
  - an encoding setting section which sets the encoding to be used by the encoding section to the intra-coding, if the skip number determined by the skip number control section ~~is a predetermined first threshold or more and the quantization scale and code amount stored in the storage section satisfy a predetermined condition~~ **has**

reached at least a predetermined first threshold while the encoding section is encoding by the inter-coding, and if the ratio of a product of a mean value of the quantization scale and the code amount of the inter-coding stored in the storage section to a product of a mean value of the quantization scale and the code amount of the intra-coding stored in the storage section is greater than a predetermined second threshold.

2. (Previously presented) The moving picture encoding apparatus according to claim 1, wherein the inter-coding is at least one of a unidirectional predictive encoding and a bi-directional predictive encoding.

3. (Canceled).

4. (Canceled).

5. (Previously presented) The moving picture encoding apparatus according to claim 4, wherein said second threshold is a fixed threshold or a variable threshold according to the skip number determined by the skip number control section.

6. (Previously presented) The moving picture encoding apparatus according to claim 1, further comprising an averaging section which calculates a mean value of the quantization scale determined by the quantization scale control section,

wherein the storage section stores the mean value obtained by the averaging section as the quantization scale.

7. (Currently amended) A moving picture encoding method comprising:

[[a]] skip number control step of controlling a skip number between frames to be encoded;

[[a]] quantization scale control step of controlling a quantization scale indicative of a degree of quantization;

[[an]] encoding step of encoding of a moving picture<sub>1</sub> by selectively using one of an inter-coding and an intra-coding<sub>1</sub> on the basis of the quantization scale determined by the quantization scale control step and the skip number determined by the skip number control step;

[[a]] code amount detection step of calculating a code amount of a frame encoded by the encoding step;

~~a storage~~ **storing** step of storing the quantization scale with which the encoding step executes encoding by the inter-coding, the code amount **of the inter-coding** calculated by the code amount detection step, the quantization scale with which the encoding step executes encoding by the intra-coding, and the code amount **of the intra-coding** calculated by the code amount detection step; and

[[an]] encoding setting step of setting the encoding to be used by the encoding step to the intra-coding, if the skip number determined by the skip number control step ~~is a predetermined first threshold or more and the quantization scale and code amount stored in the storage step satisfy a predetermined condition~~ **has reached at least a predetermined first threshold while the encoding step is executing the encoding by the inter-coding, and if the ratio of a product of a mean value of the quantization scale and the code amount of the inter-coding stored in the storing step to a product of a mean value of the quantization scale and the code amount of the intra-coding stored in the storing step is greater than a predetermined second threshold.**

8. (Previously presented) The moving picture encoding method according to claim 7, wherein the inter-coding is at least one of a unidirectional predictive encoding and a bi-directional predictive encoding.

9. (Canceled).

10. (Canceled).

11. (Previously presented) The moving picture encoding method according to claim 10, wherein said second threshold is a fixed threshold or a variable threshold according to the skip number determined by the skip number control step.

12. (Previously presented) The moving picture encoding method according to claim 7, further comprising an averaging step which calculates a mean value of the quantization scale determined by the quantization scale control step,

wherein the storage step stores the mean value obtained by the averaging step as the quantization scale.

13. (Currently amended) A moving picture encoding apparatus comprising:  
skip number control means for controlling a skip number between frames to be encoded;

quantization scale control means for controlling a quantization scale indicative of a degree of quantization;

encoding means for encoding a moving picture<sub>1</sub> by selectively using one of an inter-coding and an intra-coding, on the basis of the quantization scale and the skip number;

code amount detection means for determining a code amount of a frame encoded by the encoding means;

storage means for storing a product of a mean value of the quantization scale set by the quantization scale control means and the code amount determined by the code amount detection means, the product determined with respect to each frame; and

encoding setting means for setting encoding, wherein if the skip number is equal to or greater than a predetermined threshold **value** and if encoding after skipping frames is inter-coding, a value indicative of a product stored in the storage means and determined with respect to frames which have been subjected to inter-coding is compared with a value indicative of a product stored in the storage means and determined with respect to frames which have been subjected to intra-coding, and wherein said encoding performed after skipping frames is set to intra-coding if the value indicative of a product determined with respect to frames which have been subjected to intra-coding is smaller than the value indicative of a product determined with respect to frames which have been subjected to inter-coding.

14. (Previously presented) The moving picture encoding apparatus according to claim 13, wherein the inter-coding is at least one of a forward direction predictive encoding and a bi-directional predictive encoding.

15. (Previously presented) The moving picture encoding apparatus according to claim 13, wherein the encoding setting means determines a product of the code amount and a mean value of the quantization scale, with respect to every inter-coding and intra-coding, and storing the product in the storage means.